

16-498 PATCHAK V. ZINKE

DECISION BELOW: 828 F.3d 995

LOWER COURT CASE NUMBER: 15-5200

QUESTION PRESENTED:

Petitioner filed a lawsuit challenging the Department of Interior's authority to take into trust a tract of land ("the Bradley Property") near Petitioner's home. In 2009, the District Court dismissed his lawsuit on the ground that Petitioner lacked prudential standing. After the Court of Appeals reversed the District Court, this Court granted review and held that Petitioner has standing, sovereign immunity was waived, and his "suit may proceed." *Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians v. Patchak*, 132 S.Ct. at 2199, 2203 (2012) ("*Patchak I*").

While summary judgment briefing was underway in the District Court following remand from this Court, Congress enacted the Gun Lake Act-a standalone statute which directed that any pending (or future) case "relating to" the Bradley Property "shall be promptly dismissed," but did not amend any underlying substantive or procedural laws. Following the statute's directive, the District Court entered summary judgment for Defendant, and the Court of Appeals affirmed.

1. Does a statute directing the federal courts to "promptly dismiss" a pending lawsuit following substantive determinations by the courts (including this Court's determination that the "suit may proceed")-without amending underlying substantive or procedural laws-violate the Constitution's separation of powers principles?
2. Does a statute which does not amend a generally applicable substantive or procedural laws, but deprives Petitioner the right to pursue his pending lawsuit, violate the Due Process Clause of the Fifth Amendment?

GRANTED LIMITED TO QUESTION 1 PRESENTED BY THE PETITION.

CERT. GRANTED 5/1/2017